

1 Robin E. Perkins, Esq. (NV Bar No. 9891)
2 Tanya N. Lewis, Esq. (NV Bar No. 8855)
2 SNELL & WILMER L.L.P.
3 3883 Howard Hughes Parkway, Suite 1100
3 Las Vegas, NV 89169
4 Telephone: (702) 784-5200
4 Facsimile: (702) 784-5252
5 Email: rperkins@swlaw.com
5 tlewis@swlaw.com

6 *Attorneys for Plaintiffs Wells Fargo Bank,
7 N.A., and Federal National Mortgage
7 Association*

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12

13 WELL'S FARGO BANK, N.A.; FEDERAL
14 NATIONAL MORTGAGE ASSOCIATION;

15 Plaintiffs,

16 vs.

17 ELKHORN HIGH NOON HOMEOWNERS
18 ASSOCIATION, a Nevada Non-Profit
18 Corporation; and NEVADA ASSOCIATION
18 SERVICES, INC., a Nevada Corporation;

19 Defendants.

20 Case No. 2:17-cv-01496-RFB-NJK

21 **STIPULATION AND ORDER TO
22 DISMISS CASE**

23 It is hereby stipulated and agreed by and between Plaintiff Wells Fargo Bank, N.A. and
24 Federal National Mortgage Association ("Fannie Mae"), through their respective counsel, the law
25 firm of Snell & Wilmer L.L.P., and Defendant Elkhorn High Noon Homeowners Association
26 ("Elkhorn HOA"), through its attorneys, Colli McKiever of Boyack Orme & Anthony, as
27 follows:

28 1. The parties agree that this case should be dismissed as to Elkhorn HOA with
29 prejudice. A Clerk's Entry of Default has been entered against the other named defendant in the
30 caption, Nevada Association Services, Inc. ECF No. 14. But Plaintiffs have yet to move for default
31 judgment against the defendant. The case will therefore proceed against Nevada Association
32 Services, Inc.

1 2. Each party shall bear its own attorneys' fees and costs associated with this action.
2 3. Title to the real property located at 9148 Forest Willow #101, Las Vegas, NV
3 89149, APN 125-20-112-208 ("the Property") is quieted, with respect to the interests of the
4 stipulating parties, to Wells Fargo.

5 4. On or about November 9, 2012, the HOA foreclosed the HOA Lien and acquired this
6 property via credit bid ("HOA Foreclosure Sale").

7 5. The Deed of Trust, recorded with the Clark County Recorder's Office on August
8 31, 2005, as Instrument No. 20050831-0003545, later assigned to Wells Fargo in an assignment
9 recorded with the Clark County Recorder's Office on August 4, 2011 as Instrument No.
10 201108040003103 ("the Fannie Mae Deed of Trust"), survived the HOA Foreclosure Sale, and
11 remains an encumbrance against the Property. The Fannie Mae Deed of Trust was in effect, in
12 place, and survived any purported foreclosure sale by the HOA.

13 6. Elkhorn HOA consents to the foreclosure sale of the Property under the Deed of
14 Trust if the Loan remains unpaid and/or otherwise in default. Elkhorn HOA further agrees not to
15 oppose any foreclosure proceedings on the Property brought by Wells Fargo, Fannie Mae, or
16 anyone else, and to the extent consent by Elkhorn HOA is required, agrees to promptly provide
17 such consent.

18 7. The notice of lis pendens filed against the Property is expunged.

19 Dated this 4th day of February, 2019

20 SNELL & WILMER L.L.P.

22 /s/ Tanya N. Lewis

23 Robin E. Perkins, Esq. (NV Bar No. 9891)
24 Tanya N. Lewis, Esq. (NV Bar No. 8855)
25 3883 Howard Hughes Parkway, Suite 1100
26 Las Vegas, NV 89169

27 *Attorneys for Plaintiffs Wells Fargo Bank,
28 N.A., and Federal National Mortgage
Association*

19 Dated this 4th day of February, 2019

20 BOYACK ORME & ANTHONY

22 /s/ Colli C. McKiever

23 Edward D. Boyack (NV Bar No. 5229)
24 Colli C. McKiever (NV Bar No. 13724)
25 7432 W. Sahara Avenue
26 Las Vegas, Nevada 89117

27 *Attorneys for Defendant Elkhorn High
28 Noon Homeowners Association*

ORDER

1. The parties agree that this case should be dismissed as to Elkhorn HOA with Clerk's Entry of Default has been entered against the other named defendant in the caption, Nevada Association Services, Inc. ECF No. 14. But Plaintiffs have yet to move for default judgment against the defendant. The case will therefore proceed against Nevada Association Services, Inc.

2. Each party shall bear its own attorneys' fees and costs associated with this action.

3. Title to the real property located at 9148 Forest Willow #101, Las Vegas, NV. 89149, APN 125-20-112-208 (“the Property”) is quieted, with respect to the interests of the stipulating parties, to Wells Fargo..

4. On or about November 9, 2012, the HOA foreclosed the HOA Lien and acquired this property via credit bid ("HOA Foreclosure Sale").

5. The Deed of Trust, recorded with the Clark County Recorder's Office on August 31, 2005, as Instrument No. 20050831-0003545, later assigned to Wells Fargo in an assignment recorded with the Clark County Recorder's Office on August 4, 2011 as Instrument No. 201108040003103 ("the Fannie Mae Deed of Trust"), survived the HOA Foreclosure Sale, and remains an encumbrance against the Property. The Fannie Mae Deed of Trust was in effect, in place, and survived any purported foreclosure sale by the HOA.

5. Elkhorn HOA consents to the foreclosure sale of the Property under the Deed of Trust if the Loan remains unpaid and/or otherwise in default. Elkhorn HOA further agrees not to oppose any foreclosure proceedings on the Property brought by Wells Fargo, Fannie Mae, or anyone else, and to the extent consent by Elkhorn HOA is required, agrees to promptly provide such consent.

6. The notice of lis pendens filed against the real property is expunged.

IT IS SO ORDERED.


RICHARD F. BOULWARE, II
WP KVGF 'UVC VGU'DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **STIPULATION AND ORDER TO DISMISS CASE** with the Clerk of Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: February 4, 2019

/s/ Susan Ballif
An Employee of SNELL & WILMER L.L.P.

4832-2546-6715

Snell & Wilmer L.L.P. LAW OFFICES
3883 Howard Hughes Parkway, Suite
Las Vegas, Nevada 89169
702.784.5200